

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOSEPH SANTULLI,)
)
 Petitioner,)
)
 v.) Civil Action No. 04-40085-MLW
)
 U.S.A., et al.,)
)
 Respondents.)

MEMORANDUM AND ORDER OF TRANSFER

For the reasons set forth below, this action will be transferred to the District Court for the Eastern District of Kentucky.

BACKGROUND

On May 18, 2004, petitioner Joseph Santulli filed a petition under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct his federal sentence. Petitioner is currently detained at the Devens Federal Medical Center in Ayer, Massachusetts.

Although the petition is unclear, petitioner's allegations suggest that he was sentenced by the United States District Court for the Eastern District of Kentucky. Court records reveal that petitioner has had no criminal proceedings in the District Court for the District of Massachusetts.

DISCUSSION

Pursuant to 28 U.S.C. § 2255, a prisoner must file a § 2255 motion in the court which imposed the sentence. 28 U.S.C. § 2255. It appears that petitioner was sentenced in the District Court for the Eastern District of Kentucky. Accordingly, this Court lacks jurisdiction over any Section 2255 petition filed by him, and the petition will be transferred to the sentencing court.

CONCLUSION

Based upon the foregoing, it is hereby ORDERED, that this action be TRANSFERRED to the Eastern District of Kentucky, 101 Barr St, Room 206, P.O. Drawer 3074, Lexington, KY 40588-3075 for the reasons stated above.

SO ORDERED.

Dated at Boston, Massachusetts, this 21st day of August, 2004.

s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE